

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FREDERICK WAYNE SMITH,

Plaintiff,

v.

JOHN DOE #1, *et al.*,

Defendants.

No. 1:25-cv-00109-KES-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DENY  
PLAINTIFF'S MOTION TO PROCEED IN  
FORMA PAUPERIS AND DIRECTING  
PLAINTIFF TO PAY THE \$405.00 FILING  
FEE WITHIN 30 DAYS

ORDER DENYING PLAINTIFF'S SECOND  
MOTION TO PROCEED IN FORMA  
PAUPERIS

Docs. 2, 8, 10

On January 27, 2025, plaintiff filed this civil rights action, along with a motion to proceed in forma pauperis. Docs. 1, 2. On January 29, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion to proceed in forma pauperis be denied. Doc. 8. The magistrate judge found that plaintiff had sufficient funds in his trust account to pay the \$405.00 filing fee for this action. *Id.* The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within thirty days following service. *Id.* On February 7, 2025, plaintiff filed a notice indicating that he intended to pay the filing fee. Doc. 9. Plaintiff filed another motion to proceed in forma pauperis on February 21, 2025. Doc. 10. This application shows he had the sum of \$3,687.76 in his trust account as of January 30, 2025, and had an average monthly balance of \$5,466.14 in his trust account for the six months prior to that date. *Id.* at 2.

1 In accordance with 28 U.S.C. § 636 (b)(1), this court has conducted a de novo review of  
2 the case. Having carefully reviewed the file, the court concludes that the magistrate judge's  
3 findings and recommendations are supported by the record and proper analysis. Notwithstanding  
4 plaintiff's filing indicating his intent to pay the filing fee (Doc. 9), the Court has not received any  
5 such payment. *See* docket.

6 Accordingly, IT IS ORDERED that:

- 7 1. The findings and recommendations issued on January 29, 2025, Doc. 8, are ADOPTED  
8 IN FULL;  
9 2. Plaintiff's motions to proceed in forma pauperis, Docs. 2, 10 are DENIED;  
10 3. Within 30 days from the date of service of this order, plaintiff shall pay in full the \$405.00  
11 filing fee if he wishes to proceed with his action.  
12 4. Plaintiff is advised that failure to pay the required filing fee as ordered will result in the  
13 dismissal of this action without prejudice.

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15  
16 IT IS SO ORDERED.

17 Dated: March 6, 2025

  
UNITED STATES DISTRICT JUDGE